

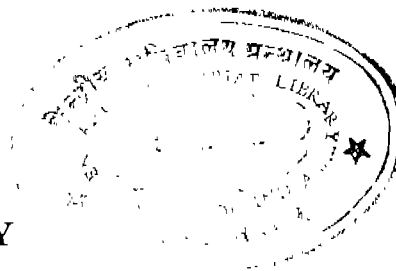


भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं० 35] नई दिल्ली, बुधवार, जुलाई 11, 1990/आषाढ़ 20, 1912
No. 35] NEW DELHI, WEDNESDAY, JULY 11, 1990/ASADHA 20, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 11th July, 1990/Asadha 20, 1912 (Saka)

The following President's Act is published for general information:—

THE PUNJAB PANCHAYAT SAMITIS AND ZILA PARISHADS (TEMPORARY SUPERSESSION) SECOND AMENDMENT ACT, 1990

No. 5 OF 1990

Enacted by the President in the Forty-first Year of the Republic
of India.

An Act further to amend the Punjab Panchayat Samitis and Zila
Parishads (Temporary Supersession) Act, 1978.

24 of 1987. In exercise of the powers conferred by section 3 of the Punjab State
Legislature (Delegation of Powers) Act, 1987, the President is pleased
to enact as follows:—

1. This Act may be called the Punjab Panchayat Samitis and Zila
Parishads (Temporary Supersession) Second Amendment Act, 1990.

Short
title.

Amend-
ment of
section 3
of
Punjab
Act 29 of
1978.

2. In the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978, in section 3, in the proviso to sub-section (1), for the words "eleven years and nine months", the words "twelve years and three months" shall be substituted.

R. VENKATARAMAN,

President.

—

V. S. RAMA DEVI,

Secy to the Govt. of India.

Reasons for the enactment

The Panchayat Samitis and Zila Parishads in the State were superseded by the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978 on the 12th October, 1978 for one year. This period had to be extended from time to time for one reason or the other. The present supersession period expires on the 11th July, 1990.

2. The elections to the Panchayat Samitis and Zila Parishads were proposed to be held in March, 1984 but these elections had to be postponed due to law and order situation. The elections to the Gram Panchayats were due in September, 1988 but owing to law and order problem these elections were also not held. Sixteen members of a Panchayat Samiti are elected from amongst the Panches and Sarpanches of the Gram Panchayats falling within the jurisdiction of a Panchayat Samiti. If elections to the Panchayat Samitis and Zila Parishads are held now without holding the elections to the Gram Panchayats, most of the Panches and Sarpanches may lose their basic qualification to remain members of the Panchayat Samitis if they are not returned on the Gram Panchayats during general elections to the Gram Panchayats, if held later. In such a situation, the Panchayat Samitis and Zila Parishads would become defunct. Thus, it is desirable to hold elections to these bodies after the general elections to the Gram Panchayats so that their term may be co-terminus. It generally takes about two months to hold Gram Panchayat elections. Thereafter, a period of more than four and half months is required to conduct elections to the Panchayat Samitis and Zila Parishads after observing all the legal formalities.

3. It has, therefore, been decided that the period of temporary supersession may be extended for another six months by amending the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978 (Punjab Act 29 of 1978) by a Presidential enactment.

4. Parliament has, under article 357(1) (a) of the Constitution, conferred on the President the power of the Legislature of the State of Punjab to make laws *vide* the Punjab State Legislature (Delegation of Powers) Act, 1987 (24 of 1987).

5. Under the proviso to sub-section (2) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987, the President shall, before enacting any President's Act, consult a Committee constituted for the purpose, consisting of members of both the Houses of Parliament. As the permissible period of supersession of the Punjab Panchayat Samitis and Zila Parishads under the Punjab Panchayat Samitis

and Zila Parishads (Temporary Supersession) Act, 1978 expires on the 11th July, 1990 and as the amending Act ought to come into force on the 12th July, 1990, it is not practicable to consult the aforesaid Committee prior to the enactment of this Bill. The measure is, accordingly, being enacted without reference to the aforesaid Committee.

S. R. SANKARAN,
Secy. to the Govt. of India,
Ministry of Agriculture
(Department of Rural Development).